IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTYSEVENTH DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16413 OF 2005

Between:

Gorla Vijaykumar & Ors. … Petitioner

Versus

The District Collector, Kadapa district & Ors. … Respondent

Counsel for the Petitioner: Mr.K.R. KOTESWARA RAO (6347)

Counsel for the Respondent: GOVT.PLEADER FOR REVENUE

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O R D E R :

This writ petition is filed questioning the inaction of the respondents on the representation submitted by the petitioners and some other persons on 21-3-2005 as illegal, arbitrary and violative of Article 14, 19 and 21 of the Constitution of India.

The facts of the case are that the petitioners belong to schedule caste and originally their father and petitioners 4 to 6 belong to Buddaipalli village, Chinnachowku Panchayat, Kadapa Mandal, they attracted the principles of Sarvodaya Leader Sri

Prabhakarji and they formed the union and cultivated their own lands as collective cultivation and got yield equally among them. Thereafter, they requested the then District Collector to allow Government wasteland for collective cultivation of society. The District Collector through Lr.Dis.No.3016/68, dated 11-9-1968 advised the members of the society to form Co-operative Societies then only waste land can be distributed among the members of the society. On the advise of the District Collector, they submitted a representation and survey nos.1006, 1010, 1014 and 1015 of Chinnachowk Panchayat, Kadapa Rural Mandal, admeasuring Acs:78-00 and thereafter the District Collector issued DKT pattas. Thereupon the petitioners 4 and 6 and father of the remaining petitioners brought the said land under cultivation.

The petitioners submit that due to shortfall of rains, the land was kept vacant and some of the petitioners are doing small business and small jobs to survive their family. While things stood thus, some persons are laying foundation stones to construct their houses in their land and number of times, we brought the matter to the notice of the third respondent but no action is taken. Thereafter, the petitioners made a representation on 21-3-2005 to the first respondent to initiate necessary action against the unauthorized occupants to evict from the said land, but the said representation was referred to the third respondent by the first respondent and no action is taken with regard to representation dated 21-3-2005. Therefore, they filed this writ petition to direct the respondents to evict the unauthorized persons pertaining to survey nos.1006, 1009, 1010, 1012, 1014 and 1015 of Chinnachow Panchyat, Kadapa Rural Mandal, Kadapa district, as per their representation dated 21-3-2005 submitted by the petitioners.

After hearing both sides, the prayer sought in this writ petition cannot be considered for the reason that the petitioners have not filed the writ petition either against the respondent who encroached the land of the petitioners or laid foundation stones. Therefore, the writ petition is not maintainable for non-joinder of necessary parties.

The writ petition is accordingly dismissed at the admission stage. No costs.

JULY 27th, 2005. ----------

I s L. ELIPE DHARMA RAO, J.